# TEXAS STATE LIBITARY Austin, Tenes

## SENATE JOURNAL.

### FIRST DAY.

SENATE CHAMBER. AUSTIN, TEXAS, January 11, 1887.

In accordance with law, the Senate of the Twentieth Legislature met in the Senate chamber of the capitol, in the city of Austin, at 12 o'clock m., today (January 11, 1887), and was called to order by Hon. Barnett Gibbs, Lieutenant Governor of the State.

Prayer by Rev. R. K. Smoot, of

Travis, Chaplain of the Nineteenth

Legislature.

The roll being called, the following Senators answered to their names:

District 1—W. L. Douglass.
District 2—C. J. Garrison.
District 3—W. H. Pope.
District 4—W. T. Armistead.
District 5—Sam D. Stinson.
District 6—J. L. Camp., Jr.

District 7—A. W. Gregg. District 8—W. W. Davis.

District 9—L. A. Abercrombie. District 10—John M. Claiborne.

District 11-John Woods. District 12-H. Knittle. District 13-J. Lane.

District 14—Scott Field.
District 15—E. J. Simkins.
District 16—J. O. Terrell.
District 17—William August

District 18-E. G. Douglass. District 19—Temple Houston.

District 29—J. J. Jarvis.
District 21—S. C. Upshaw.
District 22—R. H. Harrison.

District 23—C. K. Bell. District 24—Geo. W. Glasscock.

District 25—W. H. Burges.
District 26—W. H. Woodward.
District 27—F. E. MacManus.
District 28—R. H. Burney.

District 29—J. H. Calhoun.
District 30—L. N. Frank.
District 31—H. D. McDonald.
The credentials of the new members

were presented, and the following Senators had the oath of office administered them by the Lieutenant Governor, to-wit:

L. A. Abercrombie, William Allen, W. T. Armistead, W. H. Burges, R. H. Burney, John M. Claiborne, W. W. Davis, E. G. Douglass, Scott Field, L. N. Frank, A. W. Gregg, J. J. Jarvis, Jonathan Lane, H. D. McDonald, F. E. McaManus, E. J. Simking S. C. Under Manus, E. J McaManus, E. J. Simkins, S. C. Upshaw, and W. H. Woodward.

Lieutenant Governor Gibbs then delivered the following address:

Gentlemen of the Senate:

You are convened to day as the Representatives in the Senate of the Twentieth Legislature of the people of a great State, and no doubt each of you feel a just pride in the prosperity of the Lone Star State, and the virtue of its people. Our legislative forefathers laid a broad and deep foundation upon which succeeding generations were expected to place evenly adjusted stones, adding to its beauty and symmetry until our structure should approximate human perfection. one of the branches of the legislative departments it has come your turn to contribute something to the perfection of this already gigantic structure, and to feel that your duty will be well performed, whether it consists in the addition of a new stone or the replacing or polishing of some that may have been hastily and inconsiderately laid by some of your many predecessors. The wisdom of yesterday may really be the folly of to day, or it may only some folly of to-day, or it may only seem so, and in each instance your cool, calm judgment should determine which it is. Much legislation is sometimes productive of much evil; on the other hand, it is well for us to bear in mind that rapid changes in social and commercial conditions frequently open new fields of legislation which it becomes your special blessings for which they have

duty to explore.

I find in the action of many of my predecessors a sufficient precedent to justify me in calling your attention in detail to some of the subjects of legislation that should receive your attention. That I do not follow these precedents is not due to the fact that I feel less interest in our grand commonwealth, but because I know that each of you fully comprehend the duties demanded of you. It is well to remember that Texas has reached its present eminence in the sisterhood of States chiefly by reason of the honesty and economy of its trusted and honored public servants who have refused to squander the substance of the masses in building up and maintaining an extravagant and aristocratic government. Under some forms of government, in the interests of and for the gratification of the few, there have been built, from the sweat of the many, gilded palaces and towering pyramids. and they have become the wonders of the world, not only because of their great size, but equally because of their being monuments of that folly which believed that a government could exist under a system of laws that impoverished the many that it might enrich the few. I believe that each of you, in your moments of cool reflection, recognize it as a historical fact that no greater number of nations have been destroyed by the sword of the invader than have been destroyed by social revolutions resulting from pernicious class legislation, and the injustice and extravagance of ruling classes. The prerogatives of constitutional govshould be as jealously ernment guarded and preserved by the representatives of a free people as were ever guarded by the wearer of a hereditary crown his prerogatives claimed and exercised upon a much less rational basis. No citizen living under the protection of our State laws should for a moment have just casue to doubt the power and disposition of his local govern-ment to protect him in the full and free enjoyment of all of his personal and property rights. On the other hand, no class of our citizens should have just cause to point the finger of honest toil and poverty at vast accumulations of wealth, and say these things exist not as the result of thrift and prudence, but as the result of an unwholesome system of laws which has deprived individual energy and enterprise of an even chance in the battle of life.

just cause to thank Divine Providence and the wisdom of those to whom they entrusted affairs of State; on the other hand, they suffer some evils resulting from the anxiety of their representatives to barter present prosperity almost regardless of subsequent social effects. Every legislative act of yours, whether originating in this or the other House, whether intended to effect a locality or the State at large, should be well considered in committee and by the entire Senate, so that each law shall be the result of your combined wisdom and carefulness.

In a State of such great area and of such diversified interests, it is not to be wondered at that some times one section may be unfortunate for lack of seasons when the other sections are prosperous. When such a condition of affairs exist to such an extent as to create absolute want there should be provided some means to relieve it from the abundance of others of our own sections, rather that than we should suffer the humiliation of seeing any one of our own citizens forced to appeal to the charity of the citizenship of other States.

Now, gentlemen, hoping that the session will be pleasant to yourselves and profitable to your country, and that each one will deserve and receive the plaudits of his constituents by reason of his acts here, I now declare the Senate ready for the business of the session.

Senator Terrell offered the following

resolution.

Resolved, That the Senate do now proceed to organization by the election of the following officers, viz: Secretary, Assistant Secretary, Journal Clerk Enrolling Clerk, Engrossing Clerk, Calender Clerk, Sergeant-at-Arms, As-sistant Sergeant-at-Arms, Doorkeeper, Chaplain and President pro tem.

Resolved, second, That the President of the Senate shall appoint a Post-master, three porters and four pages. Resolved, third, That all of said offi-

cers except the President pro tem. and the porters and the pages shall be paid the sum of \$5 each per day, and that the porters and pages shall be paid the sum of \$2 each per day.

Senator Claiborne offered the follow-

ing substitute:

Resolved, That the Senate do now proceed to organization by the election of the following officers, viz: Secretary, First Assistant Secretary, Our constitutents to-day enjoy many Second Assistant Secretary, Calendar

Engrossing Clerk, Enroiling Clerk, Clerk, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, Chaplain, Postmaster and President pro tem. Second. That the President of the Senate shall appoint three porters and four pages. Third. That all of said officers except the President pro tem, and the porters and pages shall be paid the sum of five dollars each per day, and that the porters and pages shall be paid the sum of two dollars each per day.

On motion of Senator Terrell, the

substitute was tabled.

The resolution was adopted.

The Senate then proceeded to organize by the election of the following officers, and Senators Harrison, Terrell and Armistead were appointed tellers:

Nominations for Secretary were de-

clared in order.

Senator Glasscock nominated Wm.

Neal Ramey for Secretary.

Senator Garrison seconded the nomination.

On the first ballot Mr. Ramey received thirty votes, and was declared elected.

Nominations for Assistant Secretary were announced in order.

For Assistant Secretary, C. M. Boynton of Hamilton county, was placed in nomination by Senator Bell.

Senator Woodward nominated S. A. Corley of Williamson county.

Senator Burney seconded the nomination of Mr. Corley.

Senator Terrell seconded the nomina-

tion of Mr. Boynton.

A ballot being taken, Mr. Boynton received twenty-three votes, and Mr. Corley received eight votes, and Mr. Boynton was declared elected.

Nominations for Journal Clerk were

declared in order.

For Journal Clerk, W. M. Imboden of Somervell was placed in nomination by Senator Camp, and receiving thirty votes on the first ballot, was declared elected.

Nominations for Enrolling Clerk

were announced in order.

Senator Davis nominated S. Johnson of Haskell, for Enrolling Clerk.

Senator Houston seconded the nomination.

Senator Terrell nominated W. P. Williams of Kaufman.

Senator Calhoun nominated A. H.

Kirby of Jones.

On the first ballot Mr. Johnson received twelve votes; Mr. Williams received fourteen votes; Mr. Kirby received five votes.

Senator Calhoun withdrew the name of A. H. Kirby.

On the second ballot Mr. Williams received sixteen votes and Mr. Johnson fourteen votes, and Mr. Williams was declared elected.

Nominations for Engrossing Clerk were declared in order,

(Senator Pope in the chair.) Senator Woods nominated H. K. White of Gonzales for Engrossing Clerk.

Senator Douglass of Jefferson nominated H. J. Huck of Jefferson.

Senator Lane nominated T. W. Gregory of Travis.

Senator Abercrombie nominated E. B. Parker of Harris.

Senator Douglass of Grayson nomi-

nated A. T. Finley of Grayson. Senator Knittle seconded the nomination of E. B. Parker.

Senator Calhoun nominated J. L. Stephenson of Taylor.

The first ballot resulted as follows: Gregory ...... 5 Stephenson ..... 3 Huck ...... 6 White ...... 6 

There was no selection, and the second ballot was taken, as follows: Gregory .... 7 Stephenson ...... 2 Huck ...... 7 Finley ...... 5 White ..... 5 

No choice. Senator Calhoun withdrew the name

of Mr. Stephenson.

The third ballot resulted as follows: Gregory..... 6 Huck......11 Parker .....

There was no choice. The fourth ballot was taken, as fol-

Gregory..... 4 Finley..... 8 

No selection.

Senator Woods withdrew the name of Mr. White.

The fifth ballot resulted:

Gregory	 	 					 								5
Huck	 	 		-	٠.										16
Finley	 	 	 -	•		•	 	•	•	•	•	•	•	•	9
Parker															- 1

Mr. Huck having received a majority of the votes cast was declared elected. On motion of Senator Bell, The Senate adjourned till 3 o'clock AFTERNOON SESSION. Senate met pursuant to adjournment. Lieutenant Governor Gibbs in the chair. Roll called. Quorum present. Nominations for Calendar Clerk were declared in order. For Calendar Clerk, Senator Knittle nominated W. M. Hunter of Travis. Senator Stinson nominated W. J. J. Smith of Dallas. nominated Frank Senator  $\mathbf{Bell}$ Andrews of Bell. Senator Upshaw nominated R. G. Childress of Bosque. Senator Terrell seconded the nomination of Mr. Smith. Senator Lane nominated George W. Breeding of Travis. Senator Glascock seconded the nominated of Mr. Andrews. A ballot was taken and resulted as follows: Andrews...... 7 Smith ..... 9 Hunter..... 3 Breeding ..... 2 No choice. Senator Lane withdrew the name of Mr. Breeding. SECOND BALLOT. Andrews ...... 9 Smith...... 9 Childress......10 Hunter ..... 3 No choice. Senator Woods withdrew the name of Mr. Hunter. THIRD BALLOT. Smith...... 8 Childress......10 No choice. FOURTH BALLOT. Smith..... 7 No choice. FIFTH BALLOT. 

No choice. Senator Stinson withdrew the name of Mr. Smith. The sixth ballot resulted as follows: Andrews......14 Mr. Childress having received a majority of all the votes cast, was declared elected. Nominations for Sergeaut-at-Arms were announced in order. Senator Upshaw nominated Mr. P. H. Hennessy of Galveston. Senator Stinson nominated Mr. W. T. Brewer of Rusk. Senator Claiborne seconded the nomination of Mr. Hennessy. Senator Pope seconded the nomination of Mr. Brewer. Senator Garrison seconded the nomination of Mr. Brewer. A ballot was taken and Mr. Brewer received fourteen votes and Mr. Hennessy seventeen votes, whereupon Mr. Hennessy was declared elected. Nominations for Assistant Sergeantat-Arms were declared in order. Senator Woods nominated J. A. Stuart of Travis. Senator Glasscock seconded the nomination. A ballot was taken and Mr. Stuart received thirty-one votes, and was declared elected. Nominations for Doorkeeper were declared in order. Senator Terrell nominated Mr. A. J. Dorn of Travis. Senator Glasscock seconded the nomination. Senator Lane nominated H. A. Hester of Lee. Senator Houston nominated W. A. Squires of Clay. Senator Knittle nominated Lewis Wells of Washington. Senator Field nominated J. P. Stem of Robertson. The first ballot resulted as follows: Wells..... 2 Senator Field withdrew the name of Mr. Stem. Senator Lane withdrew the name of Mr. Hester. Senator Knittle withdrew the name of Mr. Wells. On the second ballot Mr. Dorn received seventeen votes, Mr. Squires received thirteen votes and Mr. Wells

Nominations for Chaplain were declared in order.

Senator Glasscock nominated Rev. R.

K. Smoot of Travis.
Senator Claiborne nominated Rev. James Younge of Grayson.

Senator Stinson seconded the nomi-

nation of Dr. Smoot.

On the first ballot Dr. Smoot received nineteen votes, and Dr. Young received twelve votes, and having received a majority of the votes cast, Dr. Smoot was declared elected.

Nominations for President pro tem.

being declared in order,
Senator Terrell nominated Senator W. H. Pope.

Senators Houston and Camp seconded the nomination of Senator Pope.

A ballot being taken, Senator Pope received thirty votes, and was declared elected.

The President announced the appointment of J. C. Douglass of Guada lupe as Postmaster of the Senate.

The following officers were duly

sworn in, to-wit;
Wm. Neal Ramey, Secretary, C. M.
Boynton, Assistant Secretary; W. M.
Imboden, Journal Clerk; W. P. Williams, Enrolling Clerk; H. P. Huck, Engrossing Clerk; R. G. Childress, Calendar Clerk; P. H. Hennessy, Sergeant-at-arms; J. A. Stuart, Assistant Sergeant-at-arms; A. J. Dorn, Doorkeeper; Senator W. H. Pope, President pro tem; and J. C. Douglass, Postmaster.

The President announced the appointment of the following pages: Robert Morris Lee Walker, James Carlyle and Oliver Jones; also the following porters: Mose Brooks, Andrew Co-

lumbus and Lew Chambers.

The following was announced:

STANDING COMMITTEES OF THE SEN-ATE.

JUDICIARY No. 1—Senator Terrell, chairman; Senators McDonald, Jarvis, Gregg, Simkins. Armistead, Glasscock. Field, Camp, Harrison, Lane and Upshaw.

JUDICIARY No.2—Senator Bell, chairman; Senators Houston, Pope, Calhoun, Stinson, Woods, Abercrombie, Burges, Frank, Burney, Douglass of Jefferson and Woodward.

CONSTITUTIONAL AMENDMENTS -Senator Houston, chairman; Senators Upshaw, Burges, Field, Bell, Terrell, Pope, Douglass of Jefferson, MacManus, McDonald, Calhoun, Allen and Claiborne.

EDUCATION — Senator Glasscock, chairman; Senators Abercrombie, Stin-

son, Calhoun, Harrison, Davis, Burney, Jarvis, Armistead and Knittle.

INTERNAL IMPROVEMENTS--Senator Gregg, chairman; Senators Pope, Houston, Upshaw, Bell, Frank, McDonald, Allen, Jarvis, Burges, Burney, Terrell and Claiborne.

FINANCE—Senator Jarvis, chairman; Senators Armistead, Frank, Garrison, Knittle, Allen, Glasscock, Field, Woods, Douglass of Grayson, MacManus, Abercrombie and Burges.

PRIVATE LAND CLAIMS - Senator Harrison, chairman; Senators Stinson, Bell, Upshaw, Jarvis and Lane.

PENITENTIARIES—Senator Calhoun, chairman; Senators Frank, Stinson, Simkins, Garrison, Armistead, Allen, Gregg, Douglass of Grayson, Houston, Burges and Davis.

PUBLIC HEALTH—Senator Douglass of Jefferson, chairman; Senators Lane, Davis, Knittle, Claiborne, MacManus,

Burney and Woods.

MILITARY AFFAIRS—Senator Woodward, chairman; Senators Claiborne, Houston, Glasscock, Douglass of Grayson and Lane.

Public Lands—Senator Pope, chair-

man; Senators Houston, Burges, Mc-Donald, Bell, Frank, Armistead, Calhoun, Douglass of Jefferson, Burney, Terrell, Gregg, Upshaw, Abercrombie and MacManus.

STATE AFFAIRS - Senator Camp, chairman; Senators Gregg, Harrison, Calhoun, Houston, Abercrombie, Lane, Davis and Field.

COMMERCE AND MANUFACTURES-Senator Claiborne, chairman; Senators Harrison, Garrison, Lane, Douglass of Grayson and MacManus.

ROADS AND BRIDGES-Senator Upshaw, chairman; Senators Woods, Terrell, Douglass of Jefferson, Allen, Armistead and Lane.

CLAIMS AND ACCOUNTS — Senator Woods, chairman; Senators Knittle, Field, MacManus, Harrison and Davis.
CONTINGENT EXPENSES — Senator

Knittle, chairman; Senators Douglass of Grayson, Camp, Stinson, Garrison and Woodward.

GENERAL LAND OFFICE — Senator Garrison, chairman; Senators Lane, Armistead, Gregg, Abercrombie and Glasscock.

FEDERAL RELATIONS—Senator Simkins, chairman; Senators Pope, Abercrombie. McDonald and Camp.

COUNTIES AND COUNTY BOUNDA-RIES-Senator Harrison, chairman; Senators Woodward, Upshaw, Houston, Claiborne, Bell and Douglass of Jefferson.

Public Debt - Senator Burges,

chairman; Senators Allen, Camp, Douglass of Grayson; Gregg, MacManus, McDonald, Simkins and Field.

PUBLIC PRINTING—Senator Burney, chairmain: Senators Calhoun, Woods,

Harrison and Simkins.

FRONTIER PROTECTION — Senator Houston, chairman; Senators Burney. Davis, Calhoun, Claiborne, Woods and Pope.

STATE ASYLUM—Senator Armistead, chairman; Senators Glasscock, Allen Bell, Upshaw, Woodward and McDonald.

STOCK AND STOCK RAISING—Senator MacManus, chairman; Senators Davis, Stinson, Houston, Calhoun and Allen.

AGRICULTURAL AFFAIRS — Senator Allen, chairman; Senators Woodward, Davis, Claiborne and Douglass Grayson.

RETRENCHMENT AND REFORM—Senator Davis, chairman; Senators Knittle, Gregg, Abercrombie and Simkins.

TREASURER'S AND COMPTROLLER'S Office — Senator Field, chairman; Senators Garrison, Douglass of Jeffer son, Camp and Frank.

PRIVILEGES AND ELECTIONS—Senator Douglass, of Grayson, chairman; Senators MacManus, Stinson, Garrison

PUBLIC BUILDINGS AND GROUNDS-Senator Stinson, chairman; Senators Upshaw, Bell, Douglass of Grayson, Burney, Pope and Burges.

Rules-Senator Camp, chairman; Senators Claiborne, Woodward, Hous-

ton and Glasscock.

INSURANCE, STATISTICS AND HISTORY—Senator Lane, chairman; Senators Garrison, Douglass of Grayson; Woodward and Knittle.

JUDICIAL DISTRICTS—Senator Mc-Donald, chairman; Senators Field, Calhoun, Armistead, Woods and Bur-

ENGROSSED BILLS—Senator Frank, chairman; Senators Simkins, Stinson, Bell and Jarvis.

EROLLED BILLS—Senator Abercrombie, chairman; Senators Gregg, Douglass of Jefferson, Field and Lane.

Senator Glasscock offered the follow-

ing resolution:

Resolved, That the free use of the hall near the Senate chamber be granted to Paul S. Rush and Thomas Andrews, two blind young men, for a fruit | ceed to business. and eigar stand.

 ${f Withdrawn}.$ 

Senator Calhoun offered the follow-

ing resolution:

Resolved, That the Senate be con-Armistead, Upshaw and Houston were trolled and governed by the rules appointed to inform the House.

adopted by the Senate of the Nineteenth Legislature until otherwise ordered.

Adopted.

Senator Stinson offered the following:

resolution:

Resolved, That the chairmen of Judiciary Committee No. 1, Judiciary Committee No. 2, and the Finance Committee, shall each appoint a committee clerk, which clerks shall also be required to do general committee work when not engaged on their respective committees, and that said clerks shall receive the sum of \$5 each per day for their services.

 ${f Adopted}.$ 

Senator Woodward offered the fol-

lowing resolution:

Resolved, That the Senate do now proceed to select seats during the session for the Senators in the following manner, viz.: The Secretary shall place the names of Senators on separate slips of paper, place the same in a hat, and mix them up and draw them one at a time, and as the names are drawn the Senators shall come forward and select their seats.

Senator Terrell moved to amend by adding that, before the drawing, the Senators shall retire beyond the bar of

the Senate.

Accepted and adopted.

Senator Woods offered the following resolution;

Resolved, That the Sergeant-at-Arms be authorized to purchase postage stamps and stationery necessary for the use of the Senate.

Senator Woods offered the following: Resolved, That the Sergeant-at-Arms be required to furnish for the use of each member of the Senate a copy of the Revised Statutes of the State and the acts of the regular and called sessions of the Sixteenth, Seventeenth, Eighteenth and Nineteenth Legislatures of the State of Texas.

Adopted.

Senator Claiborne offered the follow-

ing resolutions:

Resolved, That the President do now appoint two committees of three Senators each, one of said committees to inform the Governor, and the other to inform the House of Representatives, that the Senate of the Twentieth Legislature is organized and ready to pro-

Adopted.

Senators Claiborne, Stinson and Harrison were appointed to wait on and inform the Governor, and Senators.

On motion of Senator Douglass of Jefferson.

The Senate adjoured till 10 o'clock

### to-morrow morning.

#### SECOND DAY.

SENATE CHAMBER, ) AUSTIN, TEXAS, January 12, 1887. The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the

chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Rev. R. K.

On motion of Senator Harrison The reading of the Journal of yesterday was dispensed with.

#### BILLS AND RESOLUTIONS.

Bill—By Senator Woods: "An Act to establish a house of correction and to provide for the government and maintainance thereof."

Referred to the Committee on Peni-

tentiaries.

Senator Harrison offered the follow-

ing resolution:

Resolved, That the President of the Senate appoint one committee clerk, who shall be known as general com-mittee clerk, and whose duty it shall be to wait on any and all committees of the Senate, and perform such other clerical work as may be assigned him, and who shall receive the same pay as other committee clerks.

On Senator Harrison's motion the con sideration of the resolution was postponed till to morrow after the morning

call.

Senator Stinson offered the following

resolution:

Resolved, That each member of the Senate be allowed to subscribe for and take as many as fifty copies of such daily papers as he may select, to be paid out of the contingent funds of the Senate, at not exceeding three cents per copy, provided such newspapers shall publish the full proceedings of both houses of each day, or a substantial and intelligent synopsis of the

Senator Harrison moved to refer the resolution to a special committee.

Senator Burney moved to amend by adding committee of five.

Accepted, and Senator Pope moved the previous question.

Seconded and main question ordered. The Senate refused to special committee by the following vote.

YEAS-10.

Claiborne, Abercrombie, Douglass of J., Allen, Armistead, Glasscock, Harrison, Burney, Woods. Calhoun,

NAYS-21.

Bell, Knittle, Burges, Lane, McDonald, Camp, MacManus. Davis. Douglass of G., Pope, Simkins, Field, Frank, Stinson. Garrison. Terrell, Upshaw, Gregg, Woodward, Houston, Jarvis.

The Senate rejected the resolution by the following vote:

YEAS-14, Burges, Pope, Douglass of J., Simkins, Gregg, Stinson, Terrell, Houston, Jarvis, Upshaw, Woods, Lane, MacManus, Woodward, NAYS-17.

Abercombie, Douglass of G., Field, Allen, Armistead, Frank, Garrison, Bell, Burney, Glasscock, Harrison, Calhoun, Camp, Knittle. McDonald. Claiborne, Davis.

Senator Claiborne submitted the following special report:

Hon. B. Gibbs, President of the Seuate: Your Committee appointed to notify his Excelency, the Governor of the State, that the Senate of the Twentieth Legislature had organized and were ready to receive any communica-tions, have performed the duty, and his Excelency will communicate with the Senate at once.

CLAIBORNE, Chairman.

The report of the committee was received and the committee was discharged.

The following message was received: from the Governor, and

On motion of Senator Harrison,

Was read as follows: